

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ROBERT E. MANLEY, JR.,

Plaintiff,

Vs.

NORTHEAST ILLINOIS REGIONAL  
COMMUTER RAILROAD CORP., d/b/a  
METRA,

Defendant.

Cause No.:

FILED: MARCH 26, 2008

08CV1757 PH

JUDGE HART

MAGISTRATE JUDGE DENLOW

## COMPLAINT

**(Federal Employers' Liability Act)**

COMES NOW Plaintiff, Robert E. Manley, Jr., by and through his attorneys, Holland, Groves, Schneller & Stolze, LLC, and Cooney & Conway, and for his claim for relief against the defendant, Northeast Illinois Regional Commuter Railroad Corp., d/b/a Metra, hereinafter referred to as “Metra”, states as follows:

1. The action arises out of the Federal Employers' Liability Act, 45 U.S.C. § 51, et seq.
2. That at all times relevant herein, Plaintiff Robert E. Manley, Jr., was employed by the Defendant, Metra, as a fork lift driver/laborer in Chicago, Illinois, and that his work substantially affected interstate commerce.
3. Plaintiff is and was at all relevant times, an employee of the defendant, Metra, subject to the provisions of the FELA, 45 U.S.C. § 51 *et seq.*
4. That on or about June 10, 2005, and for some time prior thereto, the defendant, Metra, was a corporation duly existing according to law to engage in, and was at all times mentioned herein, engaged in doing business as a common railroad in the State of Illinois, and other states of the United

States.

5. That at all times relevant herein, including the present, Defendant has operated trains, owned tracks and yards and other property in the Northern District of Illinois. That Defendant owns, operates and controls a railroad running between the Northern District of Illinois and other states in the United States.

6. That on June 10, 2005, the plaintiff, Robert E. Manley, Jr., was employed, doing his regular duties as a fork lift driver/laborer at the defendant, Metra's, facility in Chicago, Illinois.

7. That at the aforesaid time and place, the plaintiff, Robert E. Manley, Jr., was, pursuant to the instructions of his employer, picking up garbage bags when unstable and poorly laid rocks under his feet gave way, causing him to fall and injure plaintiff, Robert E. Manley, Jr.'s, right knee, among other things.

8. Plaintiff states that his injuries and damages resulted in whole or in part from the negligent acts or omissions of the Defendant in one or more of the following particulars:

- a) Defendant failed to provide Plaintiff with a reasonably safe place to work; or
- b) Defendant failed to provide reasonably safe conditions for work; or
- c) Defendant failed to provide reasonably safe methods of work; or
- d) Defendant failed to provide reasonably safe equipment or tools for work; or
- e) Defendant failed to adequately inspect or maintain the rock, or ballast as it is called on the railroad; or
- f) Defendant failed to provide reasonably safe walking conditions; or
- g) Defendant placed oversized ballast in its yard; or
- h) Defendant failed to properly tamp its ballast or otherwise properly

maintain it.

9. As a result of the aforementioned conduct of the Defendant, Plaintiff was caused to suffer the following serious, painful, and permanent injuries, to-wit: Plaintiff suffered injuries to his right knee, and the nerves, ligaments, soft tissues and adjacent structures; Plaintiff suffered and will continue to suffer mental anguish; Plaintiff was caused to undergo medical treatment, tests, therapy, x-rays, and surgery and will require future medical treatment; Plaintiff has lost wages, fringe benefits and will in the future lose further such wages and fringe benefits; Plaintiff has expended or obligated himself for necessary and reasonable medical expenses and hospital care and will in the future be caused to expend further such sums for medical treatment. Plaintiff has suffered pain and suffering and will in the future have pain and suffering as a result of Defendant's negligence. Plaintiff's ability to work, labor, and enjoy the normal pursuits of life has been impaired and lessened all to Plaintiff's damage.

WHEREFORE, Plaintiff, Robert E. Manley, Jr., prays for Judgment against the Defendant, Metra, for a sum fair and reasonable under the circumstances together with his costs herein expended and for such other and further relief as the court may deem just and proper.

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HOLLAND, GROVES, SCHNELLER  
& STOLZE, L.L.C.

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- AND -

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